



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2602

Introduced 2/18/2005, by Rep. Michael Tryon - Mark H. Beaubien, Jr.

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1041.2 new
65 ILCS 5/11-12-5.2 new

Amends the Counties Code and the Illinois Municipal Code. Provides that any cause of action or claim for refund of cash contributions paid in lieu of land donations and any cause of action or claim for return of a land donation pursuant to a county or municipal ordinance must be commenced by filing the cause of action or claim (i) within one year after the date of payment or a longer period specified in a county or municipal ordinance or an annexation agreement if the request is based on an objection to the validity of an ordinance or to the manner in which donations or contributions are calculated under an ordinance or (ii) within one year after the money was spent or development on the land was commenced if the request is based on an objection that the contribution was spent in a manner inconsistent with the county or municipal ordinance. Effective immediately.

LRB094 08901 MKM 39121 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by adding Section
5 5-1041.2 as follows:

6 (55 ILCS 5/5-1041.2 new)

7 Sec. 5-1041.2. Refunds of cash contributions; return of
8 land donations.

9 (a) Any cause of action or claim for the refund of cash
10 contributions paid in lieu of land donations and any cause of
11 action or claim for the return of a land donation under this
12 Division, and pursuant to a county ordinance, that is based on
13 objections to the validity of an ordinance or to the manner in
14 which donations or contributions are calculated under the
15 ordinance must be commenced by filing the cause of action or
16 claim with the clerk of the circuit court of the county in
17 which the cash contribution was paid or the land was donated
18 within one year after the date of payment or donation or a
19 longer period, if specified in a county ordinance or in an
20 annexation agreement. This time period shall serve as a statute
21 of limitations on any cause of action or claim under this
22 Section.

23 (b) Any cause of action or claim for the refund of cash
24 contributions paid in lieu of land donations and any cause of
25 action or claim for the return of a land donation under this
26 Division, and pursuant to a county ordinance, that is based on
27 an objection that the money collected has been spent or the
28 land has been developed in a manner inconsistent with the
29 ordinance must be commenced by filing the cause of action or
30 claim with the clerk of the circuit court in the county in
31 which the cash was paid or the land was donated within one year
32 after the money was spent or development on the donated land

1 was commenced. This time period shall serve as a statute of
2 limitations on any cause of action or claim under this Section.

3 Section 10. The Illinois Municipal Code is amended by
4 adding Section 11-12-5.2 as follows:

5 (65 ILCS 5/11-12-5.2 new)

6 Sec. 11-12-5.2. Refunds of cash contributions; return of
7 land donations.

8 (a) Any cause of action or claim for the refund of cash
9 contributions paid in lieu of land donations and any cause of
10 action or claim for the return of a land donation under this
11 Division, and pursuant to a municipal ordinance, that is based
12 on objections to the validity of an ordinance or to the manner
13 in which donations or contributions are calculated under the
14 ordinance must be commenced by filing the cause of action or
15 claim with the clerk of the circuit court of the county of the
16 municipality which the cash contribution was paid or the land
17 was donated within one year after the date of payment or
18 donation or a longer period, if specified in a municipal
19 ordinance or in an annexation agreement. This time period shall
20 serve as a statute of limitations on any cause of action or
21 claim under this Section.

22 (b) Any cause of action or claim for the refund of cash
23 contributions paid in lieu of land donations and any cause of
24 action or claim for the return of a land donation under this
25 Division, and pursuant to a municipal ordinance, that is based
26 on an objection that the money collected has been spent or the
27 land has been developed in a manner inconsistent with the
28 ordinance must be commenced by filing the cause of action or
29 claim with the clerk of the circuit court in the county of the
30 municipality in which the cash was paid or the land was donated
31 within one year after the money was spent or development on the
32 donated land was commenced. This time period shall serve as a
33 statute of limitations on any cause of action or claim under
34 this Section.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.